

**TUCSON CODE, CHAPTER 23, LAND USE CODE**

**ARTICLE II**

**DIVISION 6**

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**PLANNED COMMUNITY DEVELOPMENT (PCD) DISTRICT**

2.6.4. PLANNED COMMUNITY DEVELOPMENT (PCD) DISTRICT

2.6.4.1 Purpose.

- A. Accommodate large-scaled, unified planned developments which conform to the best practices, policies and programs within the City's *General Plan*, applicable specific plans and other sustainability and conservation programs.
- B. Provide an alternative zoning district and development process to accommodate large master-planned developments that allow development flexibility not otherwise attainable under conventional zoning districts and allow for adjustments to changing community and market conditions.
- C. Provide a framework to promote sustainable land use patterns and mobility options while being responsive and sensitive to the natural features and topography of the desert environment.
- D. Provide within such developments a variety of housing, including affordable housing and combination of land uses with sound site planning principles and development techniques.
- E. Promote the timely planning, funding and development of public facilities designed to serve the projected population.

2.6.4.2 General Provisions.

- A. Conformance with the *General Plan*. Each PCD District must be in compliance with the *General Plan* and applicable specific plans.
  - 1. Specific Plans. The PCD District shall be available only in areas where there is an existing specific plan. In areas where there is no existing specific plan, an applicant may submit an application for a PCD District so long as an application for a specific plan, consistent with the application for the PCD District, has already been submitted pursuant to Sec. 5.4.2. of the *Land Use Code (LUC)*. The application for the PCD District may be processed concurrently with the application for the specific plan, but the PCD District may not be adopted until after the adoption of a specific plan.
  - 2. Specific Plan Amendment. In the event that adoption of the proposed PCD District requires amendment of a specific plan for the property, the applicant

shall submit an application for such amendment pursuant to *LUC* Sec. 5.4.2. which may be processed concurrently with the application for a PCD District.

B. Ownership of PCD District. Upon application for and approval of the PCD District, the site of the PCD District, with the exception of public rights-of-way shall be under single ownership or control of a single entity with legal authority to conduct the application process on behalf of all the landowners.

C. Minimum PCD District Area

1. The PCD District shall be the minimum size as may be required in the applicable *General Plan*, specific plan or a minimum of five hundred (500) contiguous acres, whichever is greater.
2. Public rights-of-way located within the interior of a PCD may be included in calculating the minimum five hundred (500) acres.
3. A PCD District may include areas that contain existing development.
4. The Mayor and Council may authorize the initiation of a PCD District if less than the size required by this Section if the size of the proposed PCD District is consistent with the intent of the applicable *General Plan* or specific plan.

D. Major Streets and Routes Plan Amendment. The Major Streets and Routes Plan map may be amended to add, delete, or modify a roadway within a PCD District concurrently through the approval process for the PCD District.

2.6.4.3 Establishment of the PCD District. A PCD District is established through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3 of the *LUC* except that the notification area shall be 2,640 feet (one-half mile) from the boundary of the proposed PCD and registered neighborhood associations within two (2) miles.

A. PCD Districts are identified on the City Zoning Maps by the letters "PCD" followed by a number and the name of the District, such as "PCD-1, XYZ Planned Community Development (PCD) District," signifying the set of regulations adopted and applicable to that District. The list shall be administratively updated upon the adoption of each new PCD District.

B. Within a PCD District, development shall be divided into Development Areas (DA). DAs will establish the permitted density and intensity of land uses within the PCD. The land uses permitted in the DA shall be applied as stated in the implementation plan.

C. Within a DA, one or more zoning districts may be established and contain one or more land uses listed in the Project Development Regulations and Design Guidelines as provided in Section 2.6.4.5.B.

2.6.4.4 Development Regulations. A PCD District provides for the establishment of development areas and zoning districts with distinct regulations within the boundary of the PCD District as adopted by the Mayor and Council.

A. A PCD District may incorporate land use classifications and regulations from the *Land Use Code (LUC)*, the *Development Compliance Code* (Tucson Code, Chapter 23A), the Development Standards and other City development ordinances and standards with modifications as necessary to provide for a master planned

community. The regulations shall be consistent with policies in the *General Plan* and applicable specific plan.

- B. A PCD District may include regulations that are different from the regulations in the *LUC*, the *Development Compliance Code* or the Development Standards that may apply in, but are not limited to permitted, special exception, secondary and accessory land uses; building heights; lot coverage and lot size; cluster development; building and perimeter setbacks; parking and loading; landscaping and other development criteria. The PCD District may not change or alter the provisions for impact fees in Article III, Impact Fees of the *Development Compliance Code*.
- C. Where a provision in a PCD District varies from the *LUC*, the *Development Compliance Code* or the Development Standards, the provisions in the PCD District shall govern. Where regulations in a PCD District are silent or do not address an issue, the applicable codes and ordinances shall govern. Amendments to the *LUC*, the *Development Compliance Code*, or the Development Standards enacted subsequent to the adoption of the PCD District shall apply to the PCD District. If an amendment adopted subsequent to the PCD District conflicts with an express provision of the PCD District, the PCD District shall govern unless the adopting ordinance states that it supersedes the PCD District.

2.6.4.5 Application Procedures. The PCD application shall be in the form approved by the Urban Planning and Design Director and shall include the following elements in the form of either text, map(s), diagrams, charts/tables, photographs or a combination of all elements as appropriate:

- A. The Development Inventory Report (DIR). The DIR shall describe and provide information regarding the existing conditions, characteristics, infrastructure and natural resources of the property within the proposed PCD District that will be used as supporting data for recommended actions and proposals to be included in the Master Development Plan (MDP). To the extent that the information and plans of the DIR and MDP listed below are redundant to any submittal requirements for the Zoning Examiner's Legislative Procedure, Section 5.4.1 and 5.4.3, the DIR and MDP shall be deemed to satisfy the submittal requirements. This information shall include the following:
  - 1. Contact listing of key project team representatives including the contact, owner, and developer.
  - 2. A vicinity map drawn to a suitable scale showing the existing land use, zoning, major streets and routes plan map, other applicable City plans, and general condition of the land within the proposed PCD District boundary and adjacent lands located within a one-half mile radius of the PCD District boundary.
  - 3. Legal description, of the PCD District boundary stamped by a registered land surveyor.
  - 4. Existing conditions in the form of scaled maps, text, diagrams, graphics, tables, pictures, analysis reports, letters from appropriate agencies as well as composite maps as requested by the Department of Urban Planning and Design. The background information shall include the total gross property acreage, current principal land uses, and a delineation of major physical

constraints or opportunities, major environmental features, topography, existing roads, trails, utilities, 100-year floodways and mapped storm water drainage conditions.

B. The Master Development Plan (MDP). The MDP shall include a land use plan, a resource and infrastructure plan, a development agreement, if applicable, and a phasing plan to be conducted in the PCD District.

1. The Land Use Plan shall contain the following:

a. General information comprised of :

- i. A statement by the applicant describing the overall rationale for the proposal in the subject area,
- ii. An explanation in the application describing how the PCD District complies with the policies of the applicable *General Plan*, specific , area or neighborhood plan, and
- iii. A parcel matrix or other summary table format of the proposed contents of the DAs and DA zoning districts(s), showing the approximate size in acres of land uses including residential, nonresidential, mixed use, job/employment centers, functional open space, natural undisturbed open space, and natural open space. The matrix will show: the minimum and maximum acreage of functional open space, natural undisturbed open space, natural open space and total open space; the minimum and maximum number of potential dwelling units, and the proposed minimum and maximum square footage and approximate floor area ratios for nonresidential and both counts for mixed uses. In addition, the matrix will show the approximate number of miles of roads and trails. The anticipated rate of development will also be provided in narrative or graphic form.
- iv. Citywide policy compliance. To the extent there are policies in effect in the City, this report must address compliance with the following: energy efficiency, water conservation, an affordable housing strategy, mass transit, alternate transportation modes, and transportation levels of service, water harvesting and related policies as applicable to development within the City.

b. Land Use Map. The PCD District land use map shall be divided into DAs and any zoning districts within DAs as applicable. The map shall be drawn to a scale suitable to the Department of Urban Planning and Design and include at least the following:

- i. The boundary of the proposed PCD District.
- ii. The location of each proposed DA and each zoning district within a DA.
- iii. The general location of all proposed major and minor arterial streets, including any proposed connections to major streets identified on the Tucson Major Streets and Routes Map.

- iv. Major drainage elements.
- v. The proposed locations of educational facilities, public parks (ten acres or greater in size or as requested) and regional natural open space areas.
- vi. The proposed locations of public trails and/or bikeways, including any proposed connections to conceptual trail locations identified in the Eastern Pima County Trails Master Plan and related City plans.
- c. The Development Regulations shall establish requirements as applicable for the PCD District. These requirements shall be in compliance with Section 2.6.4.3 and Section 2.6.4.4 and shall at a minimum contain:
  - i. Development Regulations. The PCD District shall provide development regulations comparable to those in Article III of the *LUC*, including but not limited to landscaping, streetscapes, block patterns, lot clustering, screening, pedestrian connections, street design and connectivity, parking, environmental, natural resource and cultural conservation areas, scenic corridors, private recreation areas, housing types, minimum and maximum density ranges and commercial, civic, and industrial square footage standards, and similar topics.
  - ii. Dimensional Regulations. The standards shall address as applicable permitted heights, setbacks, lot coverage, floor area ratios, perimeter yards, population ratios, acceptable pedestrian distances, facility service radius distances and related topics.
  - iii. Cross-Sections. The regulations shall address design criteria for roads, sidewalks and trails.
- d. The Development Guidelines shall contain the following:
  - i. Urban design strategies and specific techniques to enhance the land use compatibility and physical design of all components of a master planned community and interface with adjacent existing development.
  - ii. Design guidelines that address building orientation, architectural character, residential product diversity, architectural variety and materials.
- 2. The Resource and Infrastructure Plan shall include individual plans with maps, programs, and requirements for a systematic implementation of the PCD. The Plan shall elaborate the various conceptual plans based on the information and details in the DIR.
  - a. Master Drainage and Hydrology Plan, prepared by an Arizona registered engineer based on publicly available data, including the following:
    - i. Existing washes and/or drainageways that shall be preserved as natural open space.

- ii. Proposed manmade channels or wash realignment.
    - iii. Proposed flood control facilities, such as stormwater detention dams and basins.
    - iv. Existing and proposed rates of on-site and off-site flows.
  - b. Master Water and Sewer System Plan prepared by an Arizona registered engineer based on publicly available data.
  - c. Traffic Impact Analysis Engineering Plan prepared by an Arizona registered engineer recommending logical connections and extensions based on publicly available data as is practicable including mass transit and multi-modal levels of service and any other pertinent data as required by the authorizing agency.
  - d. Public Facilities Plan showing the proposed locations of schools, police stations, fire stations, parks and recreational areas/amenities, as applicable.
  - e. Cultural Resource and Archaeology Plan consistent with state and federal regulations.
  - f. Natural Resource Plan identifying areas specified or appropriate for preservation as natural open space or natural undisturbed open space in the applicable *General Plan*, specific plans, areas that may be subject to applicable City natural resource regulations (e.g. Environmental Resource Zones (LUC Sec. 2.8.6), W.A.S.H. Ordinance (Tucson Code, Chapter 29, Article VIII)), and areas proposed as natural open space, or natural undisturbed open space by the applicant.
  - g. Horizontal Infrastructure Development Plan (including roads; water; wastewater; dry utilities such as gas, electric, telephone, cable; drainage structures) providing the following:
    - i. Summary of capacity of existing horizontal infrastructure as it relates to the project.
    - ii. Summary of horizontal infrastructure demand and improvements needed to support the project.
    - iii. Summary of how the horizontal infrastructure will be phased to support the project, and the concurrent partial or full release or substitution of assurances for such infrastructure.
  - h. An Infrastructure Financing Plan describing the proposed methods for financing the public infrastructure that is needed to support the project.
3. Phasing Plan. The PCD District application shall contain a preliminary phasing plan including the following:
- a. The anticipated approximate start date under which horizontal infrastructure construction or development is expected to begin, the number of phases, the approximate duration of time required for completion of each phase; and



shall present information regarding the size and extent of the development activity that supports the change.

2. Changes that continue to support specific plans or applicable City policies affecting the diversity of housing type and mixed use. The applicant shall present information showing how the proposal strengthens the creation of a sense of place in the neighborhoods and communities. Administrative amendments may be based upon new market design requirements or technological advances in architecture and infrastructure engineering design and construction.
3. A transfer of commercial square footage or number of dwellings from one mixed-use parcel to another that stays within the maximum and minimum ranges established by the PCD District or the DA.
4. A transfer involving a change in total number of dwellings or gross leaseable floor area among DAs or zoning districts where the transfer amount stays within the minimum and maximum ranges established by the PCD District.
5. Changes in configurations of individual DA boundaries to include modifications of boundaries, division of larger parcels, or combinations of parcels, that do not result in any loss in open space or change the overall permitted land uses and density and intensity of land uses of DAs within the PCD District.
6. Changes in parcels, preservation of environmentally sensitive lands, or open space that are necessitated by the need to accommodate final engineered infrastructure as approved by the City, within the minimum and maximum range of density and intensity of development and amount of natural open space established in the MDP, as required in Section 2.6.4.5.B.1.a.iii.
7. Adjustments or modifications to the number and order of phasing as long as the related infrastructure development is precedent to or concurrent with the development the infrastructure is to serve.
8. Change of number, location or sites designated for schools, parks, or other public, government or quasi-governmental facilities which either enhance the opportunity to create a sense of neighborhood and community, to better centralize such sites based on actual development densities and with the approval of the governmental unit that owns or will own the facility.
9. Modifications in the design and construction of proposed infrastructure based upon technological advances when such modifications are accepted by the controlling City and/or Pima County agencies (including but not limited to transportation, water and wastewater, flood control). Infrastructure capacity shall be adequate to provide service for the planned densities and intensities of use and phasing.
10. Minor modifications or adjustments to intrusions, encroachments, proposed easements, proposed right-of-ways or open spaces, so long as the modifications fall within the general overall range and target densities and intensities for the PCD District or DA and there is no reduction in open space areas as established in Section 2.6.4.5.B.1.a.iii.



11. Changes in infrastructure that do not increase the cost or reduce the benefit to the public.
12. Interpretation by the Department of Urban Planning and Design Director of terms and provisions of the PCD District and MDP that may result in insubstantial changes to the PCD.
13. Placement and/or construction of identity or character features such as community art, entry monuments, mailboxes and neighborhood signage in compliance with the PCD District regulations unless there is a safety concern.
14. Other insubstantial changes deemed to be administrative amendments by the Department of Urban Planning and Design Director, as long as the amendments do not negatively impact the general health, safety, and welfare of the residents of the City and do not modify the overall intent of the approved PCD District, including the compliance with the *General Plan* and specific plan policies for this area.

C. Minor Amendment Definition and Process.

1. Definition. A minor amendment is one that does not substantially change the MDP, DAs, or the overall PCD District. A minor amendment shall not change the overall permitted land uses and density or intensity of land uses except as provided in Sec. 2.6.4.6.D.1. and shall not apply to any property within 300 feet of property that is not owned by the master developer. A minor amendment includes changes that have potential impacts on the PCD District greater in affecting the intensity of the land use mix than the categories of changes that qualify as administrative changes for the adopted PCD District.
2. Process. A minor amendment requires a public hearing review in accordance with the Zoning Examiner Full Notice Procedure (Sec. 23A-50). Minor amendments may include (i) the categories of changes listed in Sec. 2.6.4.6.D., (ii) changes specifically identified as minor amendments in the PCD District approved by the Mayor and Council, and (iii) categories of changes deemed by the Director of the Department of Urban Planning and Design not to change substantially the overall PCD zoning but to have potential impacts on the PCD District greater in affecting the intensity of the land use mix than the categories of changes that qualify as administrative changes.

D. Minor Amendment Categories. The following changes and comparable changes may be minor amendments:

1. A change of up to ten (10) percent in the number of units or gross leaseable floor area in the DA or zoning district that is an increase or decrease in the overall PCD's minimum or maximum ranges.
2. Multiple proposed administrative amendments or any single proposed administrative amendment that is viewed by the Urban Planning and Design Department in relation to a series of past administrative amendments may be determined by the Department of Urban Planning and Design Director to be a minor amendment pursuant to this Section if they have the cumulative effect of contradicting the policies, spirit and intent of the underlying *General Plan* documents.

3. Other changes deemed to be minor amendments by the Department of Urban Planning and Design Director that do not qualify as administrative or major amendments within this section or within the subject PCD District.
- E. Major Amendment Definition and Process.
1. Definition. A major amendment is one that substantially changes the MDP, a DA or the overall PCD District or substantially changes the application of the PCD to a limited area. A change to the permitted land uses within a DA, except as provided in Sec. 2.6.4.6.D.1, or the PCD District that is within 300 feet of property that is not owned by the master developer is a major amendment.
  2. Process. A major amendment shall be processed pursuant to the Zoning Examiner Legislative Procedure, Sec. 5.4.1. and Sec. 5.4.3. Major amendments include (i) those categories of changes listed in Sec. 2.6.4.6.F., (ii) other changes specifically identified as major amendments in the PCD District approved by the Mayor and Council, and (iii) those categories of changes that do not qualify as administrative or minor amendments for the adopted PCD District and that are deemed by the Director of the Department of Urban Planning and Design to change substantially the overall PCD zoning or the application of the PCD District to a limited area.
- F. Major Amendment Categories. The following changes and comparable changes are major amendments:
1. A reduction in open space other than as defined as an administrative amendment in Sec. 2.6.4.6.B.
  2. Changes in configurations of individual DA boundaries to include modifications of boundaries, division of larger parcels, or combinations of parcels that result in a net loss in open space or a change to the minimum and maximum number of DAs proposed within the PCD District.
  3. Change that would allow uses not otherwise permitted in the PCD District, zone, or DA.
  4. A change of greater than ten (10) percent in the number of dwellings or gross leasable floor area in a DA or zoning district that is an increase or decrease in the overall PCD District's minimum or maximum ranges.
  5. A change that alters a design element and substantially reduces the mitigation of the intensity of development adjacent to an existing residential development outside of the PCD District.
  6. A change that locates a more intense land use or increases the residential density adjacent to an existing residential development outside of the PCD District or a change adjacent to existing residential development in the PCD District where the intensity of development exceeds ten (10) percent in the number of units or gross leaseable floor area in the DA or zoning district.

#### 2.6.4.7. Definitions.

Development Area (DA). A DA is a planning area within a PCD District containing single or multiple designated land use and zoning districts. Multiple classifications or

mixed-use classifications may be permitted in a DA in conformance with applicable specific plans and the *General Plan*. A DA in text or table format is the same area as referenced on a map but describes the area in more specific detail. The City may approve a particular definition of a DA for any individual PCD District.

Development Inventory Report (DIR). A DIR is a report using narrative, maps, graphics, tables and other informative means in describing, existing conditions, needs assessments and other useful background information regarding the infrastructure, resources, and other pertinent characteristics of the property within the proposed PCD District.

Functional Open Space. Functional open space is an area that is a designed element of the project and that has a recreational use for the project. Examples include public parks, golf courses, sports fields, private recreation areas, exercise trails, playgrounds, swimming pools, and community centers.

Master Development Plan (MDP). An MDP is a multi-faceted development plan, including a land use plan, resource and infrastructure plan, development agreement, and phasing plan that controls the overall implementation of the PCD District.

Master Developer. The Master Developer is the person or entity that has sole control of the property within the PCD District at the time of application and for the implementation of the PCD District after approval.

Natural Open Space. Natural open space is an area of land within the PCD District that remains essentially unimproved and not occupied by structures or man-made impervious surfaces, except public non-motorized recreation trails, that is set aside, dedicated or reserved in perpetuity for public or private enjoyment.

Natural Undisturbed Open Space (NUOS). NUOS is an area of land that is unimproved and not occupied by structures or man-made impervious surfaces that is set aside, dedicated or reserved in perpetuity as a conservation area for public or private enjoyment. A pedestrian or non-motorized recreational trail may be located in a natural undisturbed open space. Rights-of-way (including alleys) are prohibited in a NUOS.

Non-motorized Recreational Trail. A non-motorized recreational trail is a publicly accessible, improved or natural path designed for pedestrians, equestrians, bicycles – including electric bicycles, if local regulations permit – and manual and electric wheelchairs.

Open Space. Open space is the aggregate of “natural undisturbed open space (NUOS),” “natural open space” and “functional open space.”

Pedestrian Distance. Pedestrian distance is a measurable distance between supportive land uses (such as residential uses and schools or residential uses and commercial uses) that encourage walking as part of a multi-modal strategy within a development.

Population Ratio. Population ratio is a formula used to derive a relationship between a population or dwelling unit count within a development and the square footage, acreage or number of facilities such as parks, fire stations and related facilities required in the development.

Service Radius Distance. Service radius distance is a measurable distance that is measured from a public facility (such as a park, fire station, police station, school and related facilities) outward toward land uses that fall within the facility's service area.

Zoning District. A zoning district is an area within a DA comparable to a zoning district established by the LUC, containing one or more land uses and for which the Development Guidelines and Regulations in the MDP may be established as provided in Section 2.6.4.5.B.1.d.

- 2.6.4.6 Annual Report. At the request of the Urban Planning and Design Director the PCD property owner shall submit an annual progress report. The report shall begin to be submitted to the Department of Urban Planning and Design once the issuance of building permits within the subject PCD commences. The report may include the following elements as requested by the Department of Urban Planning and Design, phasing and completion update report on horizontal infrastructure, public facilities, open space dedication, number of housing units and nonresidential square footage, installation of trails, parks and any other development activity requested by the department. The report shall be submitted by February 15 of the following year.